

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

06 CURT F. HANSFORD,) CASE NO. C05-1846-MAT
07 Petitioner,)
08 v.) ORDER GRANTING
09 JOSEPH LEHMAN,) RESPONDENT'S MOTION FOR
10 Respondent.) EXTENSION OF TIME TO FILE
) ANSWER
_____)

12 Respondent has filed a motion for an extension of time to file an answer to petitioner's
13 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Having considered the motion
14 and the balance of the record, the court does hereby find and ORDER as follows:

15 (1) Respondent's motion for an extension of time is the first such motion submitted
16 by respondent. Respondent cites difficulty in obtaining the state court record as the reason for the
17 extension. Thus, the motion is not for purposes of delay nor does it appear to prejudice petitioner
18 in any way. Accordingly, respondent's motion for an extension of time to file an answer (Dkt. #8)
19 is GRANTED.

20 (2) Respondent shall file the answer no later than **February 3, 2006**. Respondent shall
21 file the answer and a copy thereof with the Clerk of Court, and serve a copy of all documents upon
22 petitioner. As part of the answer, respondent shall state (a) whether petitioner has exhausted

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01 available state remedies, (b) whether there is any issue of abuse or delay under Rule 9, (c) whether
02 an evidentiary hearing is necessary, and (d) whether the petition is timely. Respondent shall not
03 file a dispositive motion in place of an answer without first showing cause as to why an answer
04 is inadequate.

05 (3) The answer will be treated in accordance with Local Rule CR 7, and the page limits
06 set forth in subsection (e)(3) of that rule shall apply. **Accordingly, on the face of the answer,**
07 **respondent shall note it for consideration on the fourth Friday after filing.** Petitioner may
08 file and serve a response no later than the Monday immediately preceding the Friday designated
09 for consideration of the matter, and respondent may file and serve a reply no later than the Friday
10 designated for consideration of the matter.

11 (4) The Clerk shall forward copies of this Order to petitioner, respondent and the
12 Honorable James L. Robart.

13 DATED this 9th day of January, 2006.

14 
15 Mary Alice Theiler
United States Magistrate Judge